

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TINA BROWN)	
)	Case Number
)	
Plaintiff)	
)	
vs.)	CIVIL COMPLAINT
)	
CBE GROUP, INC.)	
)	JURY TRIAL DEMANDED
Defendant)	
)	

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Tina Brown by and through her undersigned counsel, Bruce K. Warren, Esquire and Brent F. Vullings, Esquire of Warren & Vullings, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Tina Brown, is an adult natural person and brings this action for actual and statutory damages and other relief against Defendant for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (“FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. § 1337.

3. Venue in this District is proper in that the Defendant maintains an office in this District and regularly transacts business in this District.

III. PARTIES

4. Plaintiff, Tina Brown is an adult natural person residing at 918 Juneau Court, Grayson, GA 30017. At all times material and relevant hereto, Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a (2).

5. Defendant, CBE Group, Inc. (“Defendant”), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the State of New Jersey with an office located at 830 Bear Tavern Road, Trenton, NJ 08628-1020.

6. Defendant is engaged in the collection of debts from consumers using the telephone and mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. In or around May 2010, the Plaintiff began receiving phone calls from the Defendant regarding a debt owed by “Tracy Brown.”

8. The Plaintiff has no knowledge or connection with anyone by the name of “Tracy Brown.”

9. The Plaintiff's information is listed in the telephone directory as "T Brown."

10. The Defendant relentlessly calls the Plaintiff after the Plaintiff continuously informs the Defendant that she is not “Tracy Brown” nor does she know a “Tracy Brown” and to stop calling.

11. The Plaintiff begins receiving phone calls from the Defendant as early as 8:00 am on her home phone number.

12. The Defendant calls the Plaintiff at least once to two times a day.

13. The Plaintiff receives voicemail messages that she has saved with the Defendant claiming to be calling from an attorney's office, even though it clearly has the name of the agency on the Plaintiff's caller id.

14. The Plaintiff informs the Defendant each time they call that she is not who they are looking for, however, the Defendant continues to tell the Plaintiff to have "Tracy" call back as if the Plaintiff is lying and knows where "Tracy" is.

15. The Defendant has multiple agents calling the Plaintiff and only an agent named "Ruby" has disclosed what the Defendant is calling on behalf of but all other agents just give a reference number.

16. The Defendant knew or should have known that their actions violated the FDCPA. Additionally, Defendant could have taken the steps necessary to bring their and their agent's actions within compliance of the FDCPA, but neglected to do so and failed to adequately review those actions to insure compliance with the law.

17. At all times pertinent hereto, Defendant was acting by and through its agents, servants and/or employees, who were acting with the scope and course of their employment and under the direct supervision and control of Defendant herein.

18. At all times pertinent hereto, the conduct of Defendant as well as its agents, servants and/or employees, was malicious, intentional, willful, reckless, negligent and in wanton disregard for federal and state law and the rights of the Plaintiff herein.

19. As a result of Defendant's conduct, Plaintiffs have sustained actual damages, including, but not limited to, injury to Plaintiff's reputation, invasion of privacy, damage to Plaintiff's credit, out-of-pocket expenses, physical, emotional and mental pain and anguish and pecuniary loss and she will continue to suffer same for an indefinite time in the future, all to her great detriment and loss.

COUNT I – FD CPA

20. The above paragraphs are hereby incorporated herein by reference.

21. At all times relevant hereto, Defendant was attempting to collect an alleged debt which was incurred by Plaintiff for personal, family or household purposes and is a “debt” as defined by 15 U.S.C. § 1692a(5).

22. The foregoing acts and omissions constitute violations of the FDCPA, including but not limited to, violations of:

§§ 1692b(1): Contact of Third Party: Failed to identify themselves, or
failed to state that collector is confirming or correcting the
location information

§§ 1692b(2) Contact of Third Party: Stated that the consumer owes any
debt

§§ 1692b(3): Contact of Third Party: Contacted a person more than
once, unless requested to do so

§§ 1692c(a)(1): At any unusual time, unusual place, or unusual time or place to be inconvenient to the consumer, before 8:00 am or after 9:00 pm

- §§ 1692c(b): With anyone except consumer, consumer's attorney, or credit bureau concerning the debt
- §§ 1692d: Any conduct the natural consequence is to harass, oppress, or abuse any person
- §§ 1692d(5): Caused the phone to ring or engaged any person in telephone conversations repeatedly
- §§ 1692f: Any unfair or unconscionable means to collect or attempt to collect the alleged debt

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant, CBE Group, Inc. for the following:

- a. Actual damages;
- b. Statutory damages pursuant to 15 U.S.C. § 1692k;
- c. Reasonable attorney's fees and litigation expenses, plus costs of suit; and
- d. Such additional and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN & VULLINGS, LLP

Date: June 4, 2010

BY: /s/ Bruce K. Warren

Bruce K. Warren, Esquire

BY: /s/ Brent F. Vullings

Brent F. Vullings, Esquire

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